

inspections and monitor the status of theater IO Inspection Program.

(5) Report immediately to the Joint Staff IG on behalf of USCINCEUR any questionable intelligence activity.

(6) Prepare and submit the quarterly IO Activity Report to the Joint Staff IG due NLT 15 working days after the close of each quarter ending on the last work day of DEC, MAR, JUN, and SEP. Negative reports are required. The report will include:

(a) Additional information concerning questionable intelligence activities and actions taken with respect to such activities.

(b) Suggestions for improvements to the oversight system.

b. USEUCOM Legal Advisor (ECLA) will:

(1) Be aware of and familiar with references a - g.

(2) Provide legal interpretation of references, and legal advice and assistance concerning IO issues.

(3) Provide releasability review of information requested for release to other agencies not normally provided for under procedure 4 of ref e.

(4) As required by ref g, provide quarterly IO Activities Report input to ECIG.

c. USEUCOM Directorate of Intelligence (ECJ2) will:

(1) Appoint an IO Officer and IO Training Officer for USEUCOM; one person may fill both positions. This person or persons will direct USEUCOM IO Program IAW this staff memorandum and its references.

(2) Formulate all policy and procedural guidance on IO compliance

for USEUCOM staff elements, directorates, and subordinate joint organizations IAW references a - g.

(3) Develop an effective IO training program and ensure it is implemented, maintained, and documented by all USEUCOM staff elements, directorates, and subordinate joint organizations involved in intelligence activities.

(4) Provide to ECIG a list of all USEUCOM staff elements, directorates, and subordinate joint organizations involved in intelligence activities, with updates as changes are reported.

(5) Develop an effective IO Self-Inspection Program and ensure it is implemented, maintained, and documented by staff elements, directorates, and subordinate joint organizations involved in intelligence activities.

(6) Provide to ECIG name, phone number and office title of individuals appointed IO Officer and IO Training Officer of HQ USEUCOM staff elements, directorates, and subordinate joint organizations.

(7) Provide Quarterly IO Activity Reports to ECIG, combined from inputs from USEUCOM staff elements, directorates, and subordinate joint organizations. Reports will be submitted to ECIG NLT five work days after the end of each quarter ending the last work day of DEC, MAR, JUN, and SEP. Negative reports are required.

d. USEUCOM Staff Elements, Directorates, and Subordinate Joint Organizations.

(1) Appoint an IO Officer. Each USEUCOM staff element, directorate, and subordinate joint organization involved in intelligence activities will appoint an IO Officer and IO Training Officer; the same person may fill both

positions. The IO Officer is responsible for managing the IO Program within the staff element, directorate, or subordinate joint organization and coordinating and reporting IO matters with the USEUCOM IO Officer. Any USEUCOM staff element, directorate, or subordinate joint organization which has no intelligence personnel assigned, no intelligence mission, and is not involved in intelligence activities, as defined in references a - g, must request exemption from the IO Program from the USEUCOM IO Officer. This exemption must be revalidated annually, by 30 SEP, to certify that no activity internal to the staff, directorate, or subordinate joint organization is involved in intelligence activities, as defined by references a - g.

(2) Conduct IO Training. Each staff element, directorate, and subordinate joint organization who conducts intelligence activity is responsible for internal IO training of assigned personnel. All assigned personnel will receive an initial IO briefing within 30 days of arriving at the staff element, directorate, or subordinate joint organization. Annual IO refresher training is required for each assigned person during each fiscal year (FY) between 1 OCT and 30 SEP. Training activity conducted will be reported in the Quarterly IO Activity Report. See Annex I, Appendix B, for IO training material and IO Acknowledgement Statements. The IO Training Officer or designated representative will retain an IO Acknowledgement Statement for each person assigned to their activity. These statements will be available for inspection during command and self IO inspections. An IO Wallet Card, summarizing the IO program and reporting procedures, should be carried by all USEUCOM personnel; see Annex II, Appendix B for sample.

(3) Conduct IO Self-Inspection. Each USEUCOM staff element,

directorate, and subordinate joint organization will conduct an IO Self-Inspection of 25 percent of their activity, including subordi-

nate activities, quarterly, so that over the course of 12 months the complete staff, directorate, and subordinate joint organization was inspected. IO Self-Inspection results will be reported in the Quarterly IO Activities Report. See Appendix D for the IO Inspection Guide.

(4) Report Quarterly IO Activity. Each USEUCOM staff, directorate, and subordinate joint organization IO Officer will prepare and submit a Quarterly IO Activities Report to the USEUCOM IO Officer, ATTN: ECJ2-P-CI, APO AE 09128. Reports are due NLT the first work day after the quarter ending on the last work day of DEC, MAR, JUN, and SEP. The report will provide the name(s) of the IO and IO Training Officers, IO training conducted specifying the number of personnel receiving initial and refresher training, section(s) and results of the 25 percent IO Self-Inspection, and the number of IO incidents reported during the last quarter. See Appendix C for sample report. Negative reports are required.

(5) Report IO incidents. All IO Officers are responsible to investigate and report IO incidents or suspected incidents to the USEUCOM IO Officer as they are discovered. The IO will investigate the matter internally, collecting the material in question, identifying personnel involved, and determining the reason for obtaining, processing, or retaining the material. A complete report of the findings will be forwarded to the USEUCOM IO within five work days of the incident's discovery.

e. USEUCOM Subordinate Joint Organizations. Subordinate joint organizations which do not report

SM 40-2

through a USEUCOM staff element or directorate will comply with the requirements specified for USEUCOM staff elements and directorates, and subordinate joint organizations in para 5d above.

f. All USEUCOM and Subordinate Joint Organization Personnel. All USEUCOM personnel involved in intelligence activities are responsible for knowing the policies and procedures for IO Activities and their individual responsibilities to the program. Personnel will report IO violations or suspected violations to their supervisor, staff or directorate IO Officer, the USEUCOM IO Officer, or the USEUCOM Inspector General within 24 hours of their discovery. Failure to report IO violations or suspected violations is in itself a violation of IO policies.

FOR THE COMMANDER IN CHIEF:

OFFICIAL:

RICHARD F. KELLER
Lieutenant General, US Army
Chief of Staff

SUSAN M. MEYER
LTC, USA
Adjutant General

DISTRIBUTION:
D

APPENDIXES

- A - Explanation of Terms
- B - IO Activities Training Packet
- C - IO Activities Reporting Procedures
- D - ECIG IO Inspection Guide
- E - Table of Contents
- F - Sample Form (IO Wallet Cards)

APPENDIX A

Explanation of Terms

A-1. Collection. Information shall be considered as "collected" only when it has been received for use by an employee of a DoD intelligence component in the course of his official duties. Thus, information volunteered to a DoD intelligence component by a cooperating source would be "collected" under this procedure when an employee of such component officially accepts, in some manner, such information for use within that component. Data acquired by electronic means is "collected" only when it has been processed into an intelligible form.

A-2. Cooperating Sources. Persons or organizations that knowingly and voluntarily provide information to DoD intelligence components, or access to information, at the request of such components or on their own initiative. They include government agencies, law enforcement authorities, credit agencies, academic institutions, employers, and foreign governments.

A-3. Counterintelligence. Information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations, or persons, or international terrorist activities, but not including personnel, physical, document, or communications security programs.

A-4. Domestic Activities. Refers to activities that take place within the United States that do not involve a significant connection with a foreign power, organization, or person.

A-5. Foreign Intelligence. Information relating to the capabilities, intentions, and activities of foreign powers, organizations, or persons, but not including counterintelligence, except for information on international terrorist activities.

A-6. Intelligence Activity. The collection, production, and dissemination of foreign intelligence and counterintelligence by DoD intelligence components authorized under ref a.

A-7. Overt. Methods of collection whereby the source of the information being collected is advised, or is otherwise aware, that he is providing such information to the Department of Defense or a component thereof.

APPENDIX A

Explanation of Terms
(Cont)

A-8. Special Activities. Activities conducted in support of national foreign policy objectives abroad, which are planned and executed so that the role of the U.S. Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence U.S. political processes, public opinion, policies, or media, and do not include diplomatic activities or the collection and production of intelligence related support functions.

APPENDIX B

IO Activities Training Packet

The following material is provided for element IO Officers and/or IO Training Officers to conduct initial and refresher Intelligence Oversight training.

ANNEXES

- I - Personnel IO Acknowledgement Statements
- II - IO Program Summary
- III - IO Wallet Information Card
- IV - IO Training Book
- V - IO Training Briefing

ANNEX I to APPENDIX B

Personnel Intelligence Oversight Acknowledgement Statement

Directorate/Division/Branch/Section: _____

IO Representative: _____

This acknowledgement statement is for use by all EUCOM activities involved in intelligence activities. All personnel assigned to EUCOM staff elements, directorates, and subordinate joint organizations or subordinate joint organizations, will complete this form upon receiving their initial Intelligence Oversight (IO) Training, within 30 days of reporting to the command. The form will be updated annually after the person completes refresher IO training. See SM 40-2 for details on the use of this form.

"By my signature below, I attest that I have read and have been thoroughly briefed concerning the EUCOM Intelligence Oversight (IO) Program. I understand my responsibilities to the IO program as defined by Staff Memorandum (SM) 40-2. Furthermore, I understand that I may be questioned by command IO and/or IG personnel concerning basic IO policies and my responsibilities to the IO program as it applies to my intelligence duties."

PRINTED NAME/RANK_____
DATE REPORTED
TO ACTIVITY_____
ESTIMATED DATE
OF DEPARTURESIGNATURE
INITIAL TRAINING:DATE
TRAINED:_____
REFRESHER TRAINING:_____
2nd Year_____
3rd Year_____
4th Year

Intelligence Oversight Program Summary

B-II-1. The Intelligence Oversight Program. Intelligence agencies are prohibited from collecting information concerning U.S. personnel and agencies, unless it meets requirements specified in EO 12333. The Intelligence Oversight (IO) Program is to protect the constitutional rights of US persons and to ensure that only properly chartered "intelligence agencies" are "collecting" intelligence information IAW Federal Law, policies, and procedures.

B-II-2. IO References.

a. Executive Order 12333, "United States Intelligence Activities"; outlines the federal policy concerning collection of intelligence information.

b. DoD Regulation 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons"; provides DoD with specific guidance concerning intelligence activities.

c. Staff Memorandum 40-2, "Oversight of Intelligence Activities," which provides EUCOM activities with policies and procedures for complying with the IO program.

B-II-3. Your Responsibilities towards IO.

a. You must be familiar with the above references.

b. You must know the definitions of a "US person", "intelligence activity", "collected" information, "special activities".

c. Know the authorized procedures (Ref b) for collecting, processing, retention, and dissemination of intelligence information for the type of intelligence activity in which you are involved.

d. Know how and to whom to report IO violations.

ANNEX III to APPENDIX B

Intelligence Oversight Wallet Information Card

The Intelligence Oversight wallet size information card should be carried by all EUCOM personnel. At a minimum, EUCOM personnel performing an intelligence mission will have a card on them. The card provides basic information concerning the IO program and EUCOM POCs. Reproduce the sample at Appendix F onto card stock for durable training aides.

ANNEX IV to APPENDIX B

Intelligence Oversight Training Book

B-IV-1. The following is a format by which IO training records and related material will be maintained by EUCOM staffs, directorates, and subordinate joint organizations, and subordinate joint organizations responsible to this directive.

B-IV-2. EUCOM staffs, directorates, and subordinate joint organizations, and subordinate joint organizations may centralize or decentralize the training records within their organization; however, all records will contain the same data and be assembled in the same format. This will facilitate inspections and ensure all required data is present in the files.

B-IV-3. The Training Book should be maintained in one book; a three-ring binder works best. The book should be divided into the following sections and contain the stated material.

a. TAB A. **Appointment Orders.** Orders for both the IO Officer and IO Training officer should be in this section.

b. TAB B. **Unit Personnel Roster.** A series of personnel rosters listing all officers, enlisted/NCOs, and Civilian employees separately. Each list should reflect the person's rank, position, building/room numbers, and telephone numbers. This roster is requested by the EUCOM IG prior to each inspection. It is required to arrange for personnel interviews during the inspection.

c. TAB C. **IO Acknowledgement Statements.** This section contains the IO Acknowledgement Statement signed by each employee during their initial IO indoctrination. This form is updated annually by the employee. The forms should be stored alphabetically to facilitate easy retrieval.

d. TAB D. **Quarterly IO Activity Reports.** This section will contain the last four quarters' worth of past IO reports. IAW ED 40-25, these reports will cover 100 percent of the unit's holdings, personnel, and facilities.

e. TAB E. **SM 40-2.** This section will contain a copy of EUCOM Staff Memorandum 40-2 concerning IO policy. This Staff Memorandum contains the IO briefing, Annex IV to Appendix B.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing

The following is a briefing which may be used to conduct initial and refresher Intelligence Oversight training.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

REFERENCE

SM 40-2
OVERSIGHT OF INTELLIGENCE
ACTIVITIES

THE INTELLIGENCE OVERSIGHT PROGRAM

- INTELLIGENCE AGENCIES ARE PROHIBITED FROM COLLECTING
INFORMATION CONCERNING U.S. PERSONS AND AGENCIES,
UNLESS THE COLLECTION MEETS INTELLIGENCE OVERSIGHT
LIMITATIONS SPECIFIED IN EO 12333.
- (IO)

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

PURPOSE

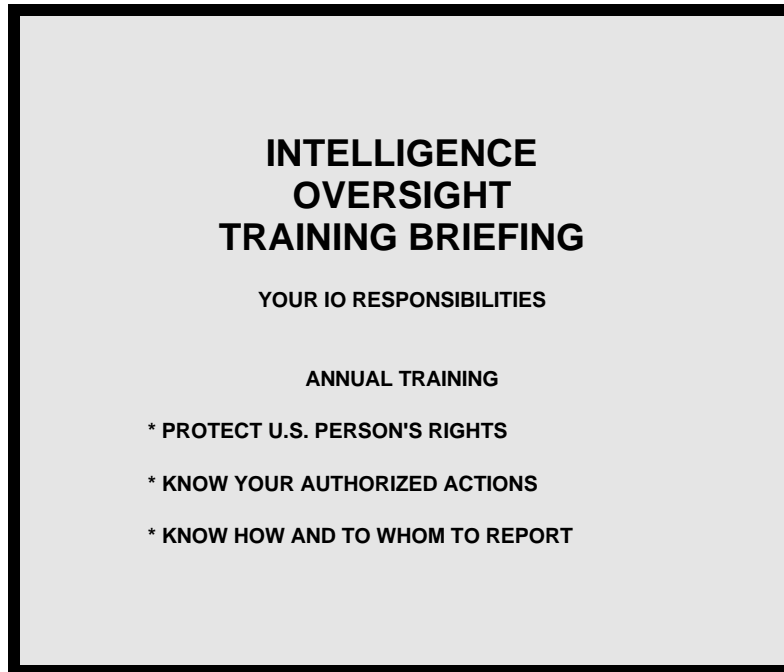
**TO ALLOW US INTELLIGENCE ACTIVITIES TO
CARRY OUT AUTHORIZED FUNCTIONS WHILE
PROTECTING U.S. PERSON'S RIGHTS**

PURPOSE

- THE PURPOSE OF THE IO PROGRAM IS TO ENABLE DOD INTELLIGENCE COMPONENTS TO CARRY OUT AUTHORIZED FUNCTIONS WHILE ENSURING THEIR ACTIVITIES THAT AFFECT U.S. PERSONS ARE CARRIED OUT IN A MANNER THAT PROTECTS THE CONSTITUTIONAL RIGHTS AND PRIVACY OF SUCH PERSONS.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)



YOUR RESPONSIBILITIES TO IO

- MEET AN INITIAL AND ANNUAL TRAINING REQUIREMENT.
- YOU MUST BE FAMILIAR WITH IO REFERENCES.
- YOU MUST KNOW THE DEFINITION OF A "U.S. PERSON," "INTELLIGENCE ACTIVITY," AND "COLLECTED" INFORMATION.
- KNOW IF YOUR ORGANIZATION IS AUTHORIZED TO CONDUCT "INTELLIGENCE ACTIVITIES".
- KNOW THE AUTHORIZED PROCEDURES AND PROHIBITIONS (REF D) FOR COLLECTING, PROCESSING, AND RETAINING, AND DISSEMINATING INTELLIGENCE INFORMATION.

SM 40-2

- KNOW WHEN, HOW, AND TO WHOM TO REPORT IO VIOLATIONS.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

IO TRAINING REQUIREMENTS

- * INITIAL TRAINING WITHIN 30 DAYS
- * ANNUAL REFRESHER TRAINING
- * VIOLATIONS OF A U.S. PERSON'S RIGHTS
- * FELONY CONVICTION - PRISON
- * CIVIL SUIT - \$\$\$\$

IO TRAINING REQUIREMENTS

- EVERY MEMBER OF EUCOM INVOLVED IN INTELLIGENCE ACTIVITIES IS REQUIRED TO RECEIVE AN INITIAL IO BRIEFING WITHIN 30 DAYS OF ARRIVING AT THE COMMAND. THEN, ANNUALLY, THEY ARE REQUIRED TO RECEIVE AN IO REFRESHER BRIEFING. A RECORD OF TRAINING, THE "IO ACKNOWLEDGEMENT STATEMENT", IS MAINTAINED BY THE STAFF, DIRECTORATE, AND SUBORDINATED JOINT ORGANIZATION'S IO OFFICER OR TRAINING OFFICER.
- DO NOT TAKE YOUR IO RESPONSIBILITIES LIGHTLY; VIOLATIONS COULD MEAN A FELONY CONVICTION RESULTING IN PRISON TERM AND/OR COST YOU HARD EARNED CASH IN A CIVIL LAWSUIT SHOULD A U.S. PERSON BRING CHARGES AGAINST YOU FOR

SM 40-2

RIGHTS VIOLATIONS.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

IO REFERENCES

- * EXECUTIVE ORDER 12333
- * DOD DIRECTIVE 5240.1-R
- * EUCOM STAFF MEMORANDUM 40-2

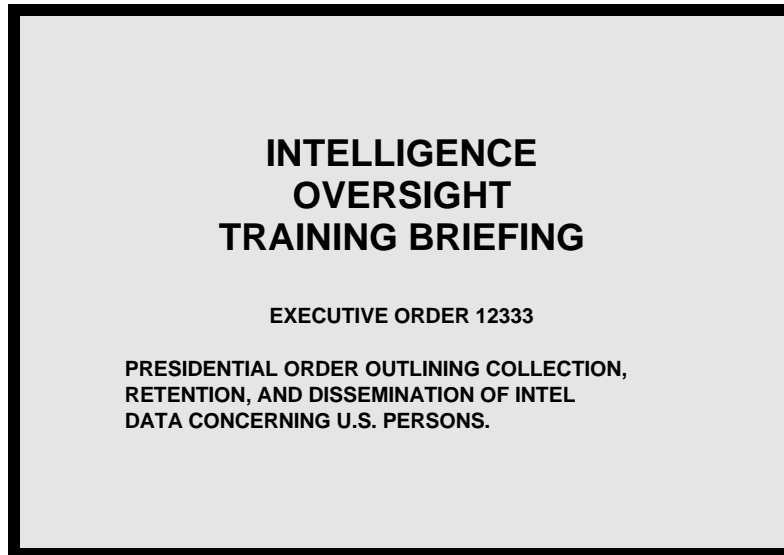
INTELLIGENCE OVERSIGHT REFERENCES

- AS A MEMBER OF US EUROPEAN COMMAND, CHARGED WITH
INTELLIGENCE-RELATED DUTIES, YOU HAVE AN OBLIGATION
UNDER FEDERAL LAW AND DOD DIRECTIVES TO PROTECT THE
CONSTITUTIONAL RIGHTS AND PRIVACY OF U.S. PERSONS.
THE PROGRAM WHICH PROVIDES YOU WITH POLICIES AND
RESPONSIBILITIES IN THIS REGARD IS THE
INTELLIGENCE OVERSIGHT PROGRAM (IO). IO POLICIES
ARE FOUND IN:

- EXECUTIVE ORDER 12333.
- DOD REGULATION 5240.1-R.
- EUCOM STAFF MEMORANDUM 40-2.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)



EXECUTIVE ORDER 12333

DATED 4 DEC 81, "UNITED STATES INTELLIGENCE ACTIVITIES"

- IS THE PRESIDENTIAL ORDER, OUTLINING THE FEDERAL POLICY
AND PROCEDURES CONCERNING THE COLLECTION, RETENTION,
AND DISSEMINATION OF INTELLIGENCE INFORMATION
CONCERNING U.S. PERSONS.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

DOD REGULATION 5240.1-R

CONTAINS INSTRUCTIONS FOR 15 PROCEDURES:

2-4. AUTHORITY FOR INTEL ACTIVITY

5-10. COLLECTION TECHNIQUES

11-15. MANAGEMENT POLICY AND OTHER ASPECTS

DOD REGULATION 5240.1-R

**PROCEDURES GOVERNING THE ACTIVITIES OF DOD
INTELLIGENCE COMPONENTS THAT AFFECT UNITED STATES PERSONS**

- PROVIDES DOD INTELLIGENCE ACTIVITIES WITH SPECIFIC POLICIES AND PROCEDURES FOR CARRYING OUT THEIR INTELLIGENCE ACTIVITIES.
- THE PUBLICATION CONTAINS 15 PROCEDURES FOR THE PROPER COLLECTION OF INTELLIGENCE INFORMATION. IN GENERAL,

PROCEDURES 2 - 4. PROVIDE SOLE AUTHORITY BY WHICH SUCH COMPONENTS MAY COLLECT, RETAIN, AND DISSEMINATE INFORMATION CONCERNING U.S. PERSONS.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

PROCEDURES 5 - 10. SET FORTH APPLICABLE GUIDANCE WITH
RESPECT TO THE USE OF CERTAIN
COLLECTION TECHNIQUES TO OBTAIN
INFORMATION FOR FOREIGN
INTELLIGENCE AND
COUNTERINTELLIGENCE PURPOSES.

PROCEDURES 11 - 15. GOVERN OTHER ASPECTS OF DOD
INTELLIGENCE ACTIVITIES, INCLUDING
THE OVERSIGHT OF SUCH ACTIVITIES.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

EUCOM SM 40-2

*** PROVIDES EUCOM POLICY FOR INTEL ACTIVITIES**

*** IO REQUIREMENTS:**

- APPOINTMENT OF IO OFFICER**
- APPOINTMENT OF IO TRAINING OFFICER**
- DOCUMENTED ANNUAL REFRESHER TRAINING**
- QUARTERLY 25% SELF-INSPECTION**
- QUARTERLY IO ACTIVITIES REPORTING**

EUCOM STAFF MEMORANDUM 40-2

OVERSIGHT OF INTELLIGENCE ACTIVITIES

- FOUND
- PROVIDES EUCOM ACTIVITIES INVOLVED IN INTELLIGENCE ACTIVITIES WITH POLICIES AND PROCEDURES FOR COMPLYING WITH THE IO PROGRAM. IN ADDITION TO THE PROCEDURES IN THE OTHER REFERENCES, SM 40-2 REQUIRES:
 - APPOINTMENT OF AN IO OFFICER WITHIN EACH STAFF, DIRECTORATE, AND SUBORDINATE JOINT ORGANIZATION

INVOLVED IN INTELLIGENCE ACTIVITIES.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

- APPOINTMENT OF AN IO TRAINING OFFICER WITHIN EACH STAFF, DIRECTORATE, AND SUBORDINATE JOINT UNIT INVOLVED IN INTELLIGENCE ACTIVITIES.
- TRAINING OF ALL PERSONNEL INVOLVED IN INTELLIGENCE ACTIVITIES IN THEIR IO RESPONSIBILITIES WITHIN THE FIRST 30 DAYS OF ARRIVAL TO THE COMMAND, AND ANNUALLY THEREAFTER UNTIL THEIR DEPARTURE.
- CONDUCT QUARTERLY SELF INSPECTION OF 25 PERCENT OF ALL STAFF, DIRECTORATE, AND SUBORDINATE JOINT ORGANIZATION ACTIVITIES, DUE ON THE LAST WORK DAY OF EACH FY QUARTER, ENDING DEC, MAR, JUN, AND SEP.
- QUARTERLY REPORTING TO EUCOM IO OFFICER OF IO ACTIVITIES BY EACH STAFF, DIRECTORATE, AND SUBORDINATE JOINT ORGANIZATION, DUE ON THE LAST WORK DAY OF EACH FY QUARTER, ENDING DEC, MAR, JUN, AND SEP.
- INDIVIDUALS' RESPONSIBILITIES FOR REPORTING ACTUAL OR SUSPECTED IO VIOLATIONS.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

IO DEFINITIONS

- * INTELLIGENCE ACTIVITY
- * OVERT COLLECTION
- * SPECIAL ACTIVITIES
- * U.S. PERSON

IO DEFINITIONS

- ALL EUCOM PERSONNEL INVOLVED IN INTELLIGENCE ACTIVITIES
ARE REQUIRED TO KNOW AND UNDERSTAND THE LEGAL
DEFINITIONS OF KEY TERMS AS DEFINED IN THE IO
REFERENCES. SOME OF THE KEY TERMS ARE:

-- **COLLECTION ACTIVITY.** INFORMATION SHALL BE
CONSIDERED AS "COLLECTED" ONLY WHEN IT HAS BEEN
RECEIVED FOR USE BY AN EMPLOYEE OF A DOD
INTELLIGENCE COMPONENT IN THE COURSE OF HIS
OFFICIAL DUTIES. THUS, INFORMATION
VOLUNTEERED TO A DOD INTELLIGENCE COMPONENT BY A
COOPERATING SOURCE WOULD BE "COLLECTED"
UNDER THIS PROCEDURE WHEN AN EMPLOYEE OF SUCH
COMPONENT OFFICIALLY ACCEPTS, IN SOME

MEANS IS "COLLECTED" ONLY WHEN IT HAS BEEN
PROCESSED INTO AN INTELLIGIBLE FORM.

OR ON THEIR OWN INITIATIVE. INCLUDED ARE
GOVERNMENT AGENCIES, LAW ENFORCEMENT
AUTHORITIES, CREDIT AGENCIES, ACADEMIC
INSTITUTIONS, EMPLOYERS, AND FOREIGN
GOVERNMENTS.

OR COMMUNICATIONS SECURITY PROGRAMS.

-- DOMESTIC ACTIVITIES. ACTIVITIES THAT TAKE PLACE
WITHIN THE UNITED STATES THAT DO NOT INVOLVE A
SIGNIFICANT CONNECTION WITH A FOREIGN POWER,
ORGANIZATION, OR PERSON.

ACTIVITIES.

COMPONENTS

-- OVERT COLLECTION. METHODS OF COLLECTION WHEREBY

THE SOURCE OF THE INFORMATION BEING COLLECTED IS ADVISED, OR IS OTHERWISE AWARE, THAT HE IS PROVIDING SUCH INFORMATION TO THE DEPARTMENT OF DEFENSE OF A COMPONENT THEREOF.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

-- **SPECIAL ACTIVITIES.** ACTIVITIES CONDUCTED IN SUPPORT OF NATIONAL FOREIGN POLICY OBJECTIVES ABROAD, WHICH ARE PLANNED AND EXECUTED SO THAT THE ROLE OF THE U.S. GOVERNMENT IS NOT APPARENT OR ACKNOWLEDGED PUBLICLY, AND FUNCTIONS IN SUPPORT OF SUCH ACTIVITIES, BUT WHICH ARE NOT INTENDED TO INFLUENCE U.S. POLITICAL PROCESSES, PUBLIC OPINION, POLICIES, OR MEDIA, AND DO NOT INCLUDE DIPLOMATIC ACTIVITIES OR THE COLLECTION AND PRODUCTION OF INTELLIGENCE RELATED SUPPORT FUNCTIONS.

-- OTHER IO TERMS ARE DEFINED IN ANNEX A, OF DOD 5240.1-R.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

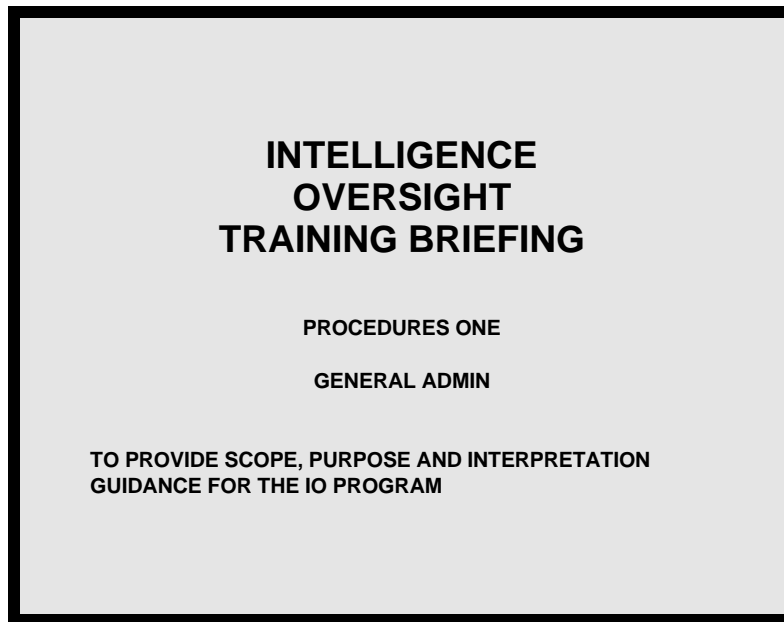


IO PROCEDURES

- WE WILL NOW REVIEW THE "NEED TO KNOW" HIGHLIGHTS OF THE 15 IO PROGRAM PROCEDURES AS DEFINED IN DOD 5240.1-R. THIS SUMMARY, HOWEVER, DOES NOT RELIEVE YOU OF READING THE REFERENCE.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)



PROCEDURE ONE.

GENERAL PROVISIONS

- PROVIDES THE SCOPE, PURPOSE, AND INTERPRETATION GUIDANCE FOR THE IO PROGRAM.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

PROCEDURE TWO

**GOVERNS COLLECTION OF INFORMATION
ABOUT U.S. PERSONS**

*** CRITERIA FOR RETENTION:**

- CONSENT OF U.S. PERSON
- CI INFORMATION
- FOREIGN INTEL
- POTENTIAL INTEL SOURCES
- ACCESS TO SENSITIVE DATA
- THREATS TO SECURITY
- LAWFUL INVESTIGATIONS
- TERRORISM OR NARCOTICS ACTIVITY

*** COLLECTION MEANS:**

- LAWFUL MEANS
- LEAST INTRUSIVE

PROCEDURE TWO.

COLLECTION OF INFORMATION ABOUT UNITED STATES PERSONS

- GOVERNS THE KINDS OF INFORMATION ABOUT U.S. PERSONS THAT
MAY KNOWINGLY BE RETAINED BY A DOD INTELLIGENCE
COMPONENT WITHOUT THE CONSENT OF THE PERSON WHOM THE

INFORMATION CONCERNS.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

- CRITERIA FOR RETENTION:
 - INFORMATION COLLECTED WITH THE CONSENT OF THE U.S. PERSON CONCERNED.
 - INFORMATION AVAILABLE THROUGH PUBLIC SOURCES.
 - FOREIGN INTELLIGENCE INFORMATION; PROVIDED THE INTENTIONAL COLLECTION IS LIMITED TO:
 - + PERSONS BELIEVED TO BE OFFICERS, EMPLOYEES, OR OTHERWISE ACTING ON BEHALF OF A FOREIGN POWER.
 - + ORGANIZATIONS REASONABLY BELIEVED TO BE OWNED OR CONTROLLED, DIRECTLY OR INDIRECTLY, BY A FOREIGN POWER.
 - + PERSON(S) OR ORGANIZATION(S) REASONABLY BELIEVED TO BE ENGAGED OR ABOUT TO ENGAGE, IN INTERNATIONAL TERRORIST OR NARCOTICS ACTIVITIES.
 - + PERSONS WHO ARE REASONABLY BELIEVED TO BE PRISONERS OF WAR, MISSING IN ACTION, OR ARE TARGETS, THE HOSTAGES, OR VICTIMS OF AN INTERNATIONAL TERRORIST ORGANIZATION.
 - + CORPORATIONS OR OTHER COMMERCIAL ORGANIZATIONS BELIEVED TO HAVE SOME RELATIONSHIP WITH FOREIGN POWERS, ORGANIZATIONS, OR PERSONS.
 - COUNTERINTELLIGENCE INFORMATION, PROVIDED THE INTENTIONAL COLLECTION IS LIMITED TO:
 - + PERSONS WHO ARE REASONABLY BELIEVED TO BE ENGAGED IN OR ABOUT TO ENGAGE IN, INTELLIGENCE ACTIVITIES ON BEHALF OF A FOREIGN POWER, OR INTERNATIONAL TERRORIST ACTIVITIES.

- + PERSONS IN CONTACT WITH PERSONS DESCRIBED ABOVE
TO IDENTIFY THEM AND ASSESS THEIR RELATIONSHIP
WITH THE SUSPECTED PERSONS.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

- PERSONS WHO ARE OR ARE CONSIDERED TO BE POTENTIAL
SOURCES OF ASSISTANCE TO INTELLIGENCE ACTIVITIES.
DOES NOT INCLUDE PERSONNEL SECURITY INFORMATION.
- INFORMATION ON U.S. PERSONS WHO HAVE OR HAD ACCESS
TO INTELLIGENCE SOURCES AND/OR METHODS, WHICH
REVEAL FOREIGN OR COUNTERINTELLIGENCE SOURCES OR
METHODS, TO PROTECT AGAINST UNAUTHORIZED
DISCLOSURE OF SUCH DATA.
- PERSONS REASONABLY BELIEVED TO THREATEN THE
PHYSICAL SECURITY OF DOD EMPLOYEES, INSTALLATIONS,
OPERATIONS, OR OFFICIAL VISITORS.
- INFORMATION DERIVED FROM LAWFUL PERSONNEL SECURITY
INVESTIGATIONS.
- INFORMATION DERIVED FROM LAWFUL COMMUNICATIONS
SECURITY INVESTIGATIONS.
- INFORMATION ON PERSONS REASONABLY BELIEVED TO BE
ENGAGED IN INTERNATIONAL NARCOTICS ACTIVITIES.
- INFORMATION NEEDED TO PROTECT THE SAFETY OF THE
PERSON INCLUDING THOSE WHO ARE TARGETS, VICTIMS, OR
HOSTAGES OF INTERNATIONAL TERRORIST ORGANIZATIONS.
- OVERHEAD COLLECTORS NOT TARGETED AGAINST SPECIFIC
U.S. PERSONS.
- ADMINISTRATIVE DATA REQUIRED FOR INTERNAL
OPERATIONS OF THE AGENCY.
- GENERAL CRITERIA GOVERNING THE MEANS USED TO COLLECT
INFORMATION ABOUT UNITED STATES PERSONS:
 - DOD MAY COLLECT BY ANY LAWFUL MEANS, IAW EO 12333.

-- LEAST INTRUSIVE MEANS:

- + TO EXTENT POSSIBLE, THROUGH PUBLICLY AVAILABLE SOURCES OR WITH U.S. PERSON'S CONSENT.

- + COOPERATING SOURCES.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

- + LAWFUL INVESTIGATIVE TECHNIQUES THAT DO NOT REQUIRE JUDICIAL WARRANT OR ATTORNEY GENERAL APPROVAL.

- + THEN, LAWFUL INVESTIGATIVE TECHNIQUES THAT DO REQUIRE JUDICIAL WARRANT OR ATTORNEY GENERAL APPROVAL.

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Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

PROCEDURE THREE

**GOVERNS RETENTION OF INFORMATION
ABOUT U.S. PERSON**

- * RETAINABLE IF COLLECTION UNDER PROCEDURE TWO
- * RETAINABLE IF COLLECTED INCIDENTAL TO PROCEDURE TWO
- * TO TRANSMIT TO OTHER AGENCY
- * TEMP (90 DAYS) RETENTION
- * ACCESS AND RETENTION:
 - "NEED TO KNOW"
 - IAW RECORDS MANAGEMENT POLICIES
 - PRE-1981 DATA IF IAW CURRENT IO POLICY

PROCEDURE THREE.

RETENTION OF INFORMATION ABOUT UNITED STATES PERSONS

- RETAINABLE IF COLLECTED UNDER PROCEDURE 2.
- RETAINABLE IF COLLECTED INCIDENTAL TO PROCEDURE 2 IF:

-- IT COULD HAVE BEEN COLLECTED UNDER PROCEDURE 2.

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Intelligence Oversight Training Briefing
(Cont)

- NECESSARY TO UNDERSTAND OR ACCESS FOREIGN INTEL OR CI.
- FOREIGN INTEL OR CI COLLECTED THROUGH ELECTRONIC SURVEILLANCE IN COMPLIANCE WITH IO POLICY.
- INFO IS INCIDENTAL TO AUTHORIZED COLLECTION AND MAY INDICATE INVOLVEMENT IN ACTIVITIES THAT MAY VIOLATE FEDERAL, STATE, LOCAL, OR FOREIGN LAW.
- INFO FOR OTHER OR NON-DOD COMPONENTS MAY BE RETAINED LONG ENOUGH TO TRANSMIT TO THE AGENCY.
- TEMP RETENTION (90 DAYS) TO DETERMINE IF INFO MAY BE PERMANENTLY RETAINED.
- RETENTION FOR THE PURPOSE OF REPORTING SUCH COLLECTION FOR OVERSIGHT PURPOSES AND SUBSEQUENT PROCEEDINGS.
- ACCESS AND RETENTION:
 - ACCESS RESTRICTED TO "NEED TO KNOW".
 - RETENTION IAW RECORDS MANAGEMENT INSTRUCTIONS FOR THE FILES CONCERNED.
 - INFORMATION ACQUIRED BEFORE IO POLICY (1981) SO LONG AS IAW WITH CURRENT POLICIES AND PROCEDURES.

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Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

PROCEDURE FOUR

**GOVERNS DISSEMINATION OF INFORMATION
ABOUT U.S. PERSONS**

*** CRITERIA FOR DISSEMINATION:**

- COLLECTED UNDER PROCEDURES 2 AND 3**
- NEED FOR INFORMATION**
- AUTHORIZED TO RECEIVE INFORMATION**

*** OTHER REQUEST MUST HAVE LEGAL'S APPROVAL**

PROCEDURE FOUR.

DISSEMINATION OF INFORMATION ABOUT UNITED STATES PERSONS

- GOVERNS THE KINDS OF INFORMATION ABOUT U.S. PERSONS THAT MAY BE DISSEMINATED, WITHOUT THEIR CONSENT, OUTSIDE THE DOD INTEL COMPONENT THAT COLLECTED AND RETAINED THE INFORMATION.**
- CRITERIA FOR DISSEMINATION:**
 - COLLECTED UNDER PROCEDURES 2 AND 3.**

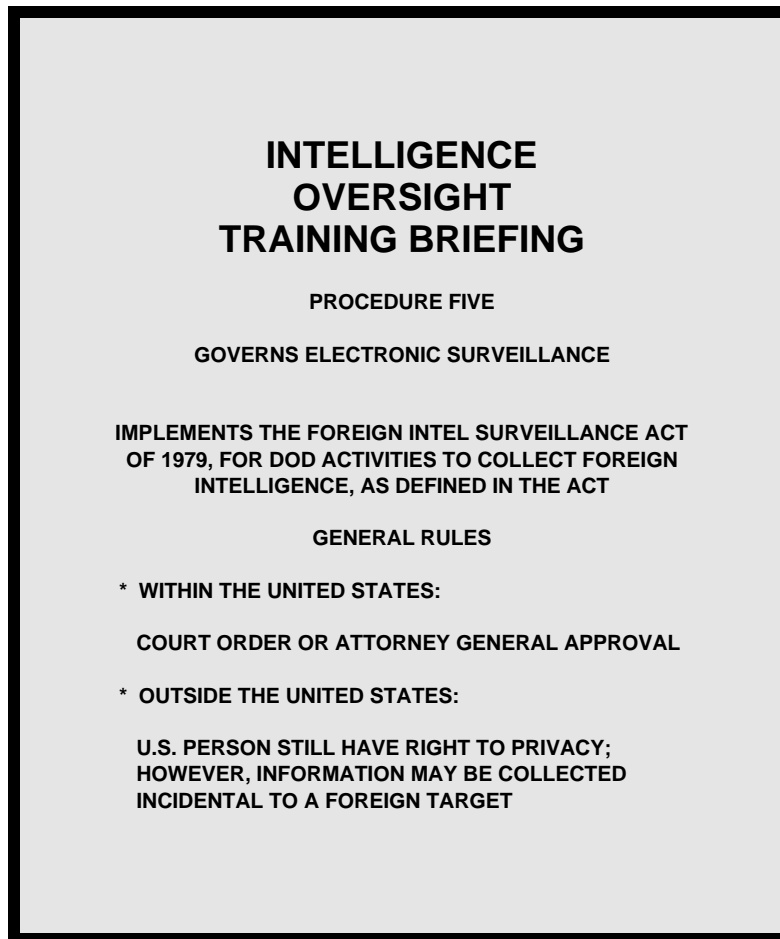
- RECIPIENT HAS REASONABLE NEED FOR INFORMATION.
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Intelligence Oversight Training Briefing
(Cont)

- RECIPIENT IS AUTHORIZED TO RECEIVE THE INFORMATION.
- OTHER DISSEMINATION MUST BE APPROVED BY THE COMMAND LEGAL ADVISER.

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Intelligence Oversight Training Briefing
(Cont)



PROCEDURE FIVE.

ELECTRONIC SURVEILLANCE FOR INTELLIGENCE PURPOSES

- IMPLEMENTS THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF
1978 AND APPLIES TO ELECTRONIC SURVEILLANCE, AS DEFINED
IN THAT ACT, CONDUCTED BY DOD INTEL COMPONENTS TO
COLLECT FOREIGN INTELLIGENCE INFORMATION, AS DEFINED IN

THE ACT.

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Intelligence Oversight Training Briefing (Cont)

- GENERAL RULES:

-- PART ONE (**WITHIN THE U.S.**):

- + COURT ORDER OR ATTORNEY GENERAL APPROVAL
REQUIRED TO CONDUCT ELECTRONIC SURVEILLANCE.
- + ONLY THE SECDEF, DPTY SECDEF, UNDER SEC OF
MILITARY DEPARTMENTS, AND THE DIR, NSA, MAY
APPROVE ELECTRONIC SURVEILLANCE REQUEST.
- + EMERGENCY SURVEILLANCE POSSIBLE, WITH ATTORNEY
GENERAL APPROVAL IAW THE 1978 ACT.

-- PART TWO (**OUTSIDE THE U.S.**):

A
INFORMATION
CONSTITUTE

- + U.S. PERSONS OUTSIDE THE U.S. STILL HAVE A
REASONABLE RIGHT TO PRIVACY AND THEREFORE
COLLECTION MUST COMPLY WITH THIS POLICY;
HOWEVER, INFORMATION OBTAINED INCIDENTAL TO
DIRECT COLLECTION OF A U.S. PERSON; I.E.,
FOREIGN TARGET OF COLLECTION REVEAL
OF A U.S. PERSON, DOES NOT
ELECTRONIC SURVEILLANCE.
 - + ELECTRONIC SURVEILLANCE CAN BE CONDUCTED
"OUTSIDE" THE U.S. FROM WITHIN THE U.S., IF THE
SIGNALS COLLECTED ORIGINATE AND TERMINATE
OUTSIDE THE UNITED STATES.
 - + ANY FLAG OFFICER MAY APPROVE ELECTRONIC
SURVEILLANCE OUTSIDE THE U.S. UNDER EMERGENCY
CONDITIONS.
- #### -- PART THREE (**SIGNAL COLLECTION ORGANIZATIONS**):
- + MAY CONDUCT FOREIGN OR MILITARY TACTICAL COMMS
WHICH INCIDENTALLY COLLECT INFORMATION
CONCERNING U.S. PERSONS.

- ++ MUST BE DESIGNED NOT TO INTERCEPT COMMS UNRELATED TO MILITARY EXERCISES.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

- ++ MAY BE RETAINED AND PROCESSED WITHOUT DELETING REFERENCES TO U.S. PERSONS COLLECTED INCIDENTALLY TO THE EXERCISE, PROVIDED THAT THE INFORMATION IS TO BE DESTROYED AS SOON AS FEASIBLE.
- ++ DISSEMINATION OF INFORMATION COLLECTED IS RESTRICTED TO AUTHORITIES AND PERSONS PARTICIPATING IN OR CONDUCTING REVIEWS AND CRITIQUES OF SUCH ACTIVITIES.

NOTE: PARTS FOUR THROUGH SEVEN DEAL WITH THE USE OF TECHNICAL SURVEILLANCE EQUIPMENT AND CALIBRATING DEVICES OF SAID EQUIPMENT. CONSULT THE REFERENCE IF YOU ARE INVOLVED IN THIS TECHNICAL AREA.

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Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
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PROCEDURE SIX

**GOVERNS CONCEALED MONITORING FOR
FOREIGN AND COUNTER INTEL**

GENERAL RULES

*** WITHIN THE UNITED STATES:**

**MAY BE CONDUCTED ON DOD OWNED OR LEASED
FACILITIES, OR IN AGREEMENT WITH SECDEF**

*** OUTSIDE THE UNITED STATES:**

**MAY BE CONDUCTED ON DOD OWNED OR LEASED
FACILITIES OR AFTER COORDINATION WITH
HOST NATION, LEGAL ADVISOR, AND CIA**

PROCEDURE SIX.

CONCEALED MONITORING

- THIS PROCEDURE APPLIES TO CONCEALED MONITORING ONLY FOR
FOREIGN INTELLIGENCE AND COUNTERINTELLIGENCE PURPOSES
CONDUCTED BY A DOD INTELLIGENCE COMPONENT WITHIN THE
UNITED STATES OR DIRECTED AGAINST A UNITED STATES
PERSON WHO IS OUTSIDE THE UNITED STATES WHERE THE

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SUBJECT OF SUCH MONITORING DOES NOT HAVE A
REASONABLE EXPECTATION OF
ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

PRIVACY, AND NO WARRANT WOULD BE REQUIRED IF FOR LAW
ENFORCEMENT PURPOSES.

- WITHIN THE UNITED STATES: MONITORING MAY ONLY BE
CONDUCTED ON A FACILITY OWNED OR LEASED BY DOD, OR IN
AGREEMENT WITH SECDEF AND THE ATTORNEY GENERAL.
- OUTSIDE THE UNITED STATES: MONITORING MAY ONLY BE
CONDUCTED ON A FACILITY OWNED OR LEASED BY DOD, OR
AFTER COORDINATION WITH EUCOM LEGAL ADVISER, CIA, AND
THE LOCAL HOST GOVERNMENT, IF REQUIRED BY STATUS OF
FORCES AGREEMENTS.

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Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

PROCEDURE SEVEN

**UNCONSENTED PHYSICAL SEARCHES OF
PERSON OR PROPERTY**

GENERAL RULES

- * MAY BE CONDUCTED OF ACTIVE DUTY PERSONNEL
WHEN AUTHORIZED BY THEIR CDR, BASED UPON
PROBABLE CAUSE THAT THEY ARE ACTING ON
BEHALF OF A FOREIGN POWER
- * OTHER SEARCHES MUST BE DONE BY THE FBI
WITHIN THE UNITED STATES, OR WITH THE
ATTORNEY GENERAL'S APPROVAL OUTSIDE THE
UNITED STATES

PROCEDURE SEVEN.

PHYSICAL SEARCHES

- THIS PROCEDURE APPLIES TO UNCONSENTED PHYSICAL SEARCH OF
ANY PERSON OR PROPERTY WITHIN THE UNITED STATES AND TO
PHYSICAL SEARCHES OF THE PERSON OR PROPERTY OF A
UNITED STATES PERSON OUTSIDE THE U.S. BY DOD INTEL
AGENCIES FOR FOREIGN INTEL OR COUNTERINTELLIGENCE
PURPOSES.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

- UNCONSENTED SEARCH INSIDE AND OUTSIDE THE UNITED STATES:
 - IS PERMITTED OF ACTIVE DUTY MILITARY PERSONNEL FOR COUNTERINTELLIGENCE REASONS, WHEN AUTHORIZED BY A MILITARY COMMANDER EMPOWERED TO APPROVE SEARCHES FOR CAUSE TO BELIEVE THAT SUCH PERSONS ARE ACTING ON BEHALF AS AGENTS OR ON BEHALF OF A FOREIGN POWER.
 - OTHER PHYSICAL SEARCHES FOR FOREIGN INTEL OR COUNTERINTEL MUST BE CONDUCTED BY THE FBI, INSIDE THE UNITED STATES, OR REQUIRES APPROVAL OF THE ATTORNEY GENERAL OUTSIDE THE UNITED STATES.

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Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
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PROCEDURE EIGHT

**GOVERNS OPENING OF MAIL IN U.S. POSTAL
CHANNELS AND USE OF MAIL COVERS**

*** WITHIN U.S. POSTAL SYSTEM:**

**DOD MAY NOT OPEN OR REQUEST THAT FIRST
CLASS MAIL BE OPENED. HOWEVER, THEY MAY
REQUEST OTHER CLASS BE INSPECTED BY U.S.
POSTAL SERVICE AUTHORITIES**

*** OUTSIDE U.S. POSTAL SYSTEM:**

- MAY OPEN U.S. PERSONS MAIL WITH ATTORNEY
GENERAL'S APPROVAL**
- MAY OPEN NON-U.S. PERSONS MAIL IAW SOFA
AGREEMENTS**

*** MAIL COVERS:**

**AUTHORIZED THROUGH POSTAL AUTHORITIES WITHIN
U.S. OR HOST NATION LAWS/SOFA IF OUTSIDE U.S.**

PROCEDURE EIGHT.

SEARCHES AND EXAMINATION OF MAIL

- THIS PROCEDURE APPLIES TO THE OPENING OF MAIL IN U.S. POSTAL CHANNELS, AND THE USE OF MAIL COVERS WITH ANNEX V to APPENDIX B
- RESPECT

Intelligence Oversight Training Briefing
(Cont)

TO SUCH MAIL, FOR FOREIGN INTEL AND COUNTERINTELLIGENCE PURPOSES. IT ALSO APPLIES TO THE OPENING OF MAIL TO OR FROM U.S. PERSONS WHERE SUCH ACTIVITY IS CONDUCTED OUTSIDE THE U.S. AND SUCH MAIL IS NOT IN U.S. POSTAL CHANNELS.

- PROCEDURES:

-- SEARCHES OF MAIL **WITHIN** THE U.S. POSTAL SYSTEM.

- + DOD COMPONENTS ARE NOT AUTHORIZED TO DETAIN OR OPEN, OR REQUEST SUCH ACTION OF THE POSTAL SERVICE, FOR FIRST CLASS MAIL WITHIN U.S. POSTAL CHANNELS FOR FOREIGN OR COUNTERINTELLIGENCE REASONS.
- + DOD MAY REQUEST POSTAL AUTHORITIES TO INSPECT, OR AUTHORIZE THE INSPECTION OF OTHER THAN FIRST CLASS MAIL, FOR FOREIGN OR COUNTERINTELLIGENCE REASONS.

-- SEARCHES OF MAIL **OUTSIDE** U.S. POSTAL CHANNELS.

- + DOD INTELLIGENCE COMPONENTS ARE AUTHORIZED TO OPEN MAIL TO OR FROM U.S. PERSONS THAT IS FOUND OUTSIDE U.S. POSTAL CHANNELS ONLY PURSUANT TO THE APPROVAL OF THE ATTORNEY GENERAL.
- REQUESTS
SEARCHES.
- WILL BE TREATED AS UNCONSENTED

- + HEADS OF DOD INTELLIGENCE COMPONENTS MAY AUTHORIZE OPENING OF MAIL OUTSIDE OF U.S. POSTAL CHANNELS WHEN BOTH PARTIES ARE NON-U.S. PERSONS IF OTHERWISE LAWFUL AND CONSISTENT WITH LOCAL AGREEMENTS.
- SOFA

-- MAIL COVERS.

- + DOD INTEL COMPONENTS MAY REQUEST U.S. POSTAL AUTHORITIES TO EXAMINE MAIL IN U.S. POSTAL

CHANNELS FOR COUNTERINTELLIGENCE PURPOSES, IN
ACCORDANCE WITH APPLICABLE POSTAL
REGULATIONS.

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Intelligence Oversight Training Briefing
(Cont)

- + DOD INTEL COMPONENTS MAY ALSO REQUEST MAIL
COVERS WITH RESPECT TO MAIL TO OR FROM A U.S.
PERSON THAT IS OUTSIDE U.S. POSTAL CHANNELS,
IAW APPROPRIATE LAW AND PROCEDURE OF THE HOST
GOVERNMENT, AND SOFA AGREEMENTS.

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Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

PROCEDURE NINE

PHYSICAL SURVEILLANCE

**APPLIES TO DOD INTEL CONDUCTED SURVEILLANCE
FOR FOREIGN INTEL OR CI REASONS OF U.S. PERSONS**

*** INSIDE UNITED STATES:**

**MAY BE CONDUCTED ON DOD INSTALLATIONS
ONLY. OUTSIDE OF DOD FACILITIES
RESPONSIBILITY OF FBI**

*** OUTSIDE UNITED STATES:**

**MAY BE CONDUCTED IF FOR LAWFUL INVESTIGATIONS,
IS CONSISTENT WITH LOCAL LAWS/SOFA, AND IF
INFO IS NOT AVAILABLE THROUGH OTHER MEANS**

PROCEDURE NINE.

PHYSICAL SURVEILLANCE

- THIS PROCEDURE APPLIES ONLY TO PHYSICAL SURVEILLANCE OF U.S. PERSONS BY DOD INTELLIGENCE COMPONENTS FOR FOREIGN INTELLIGENCE AND COUNTERINTELLIGENCE PURPOSES. SURVEILLANCE EXERCISES FOR TRAINING ARE NOT SUBJECT

TO THIS PROCEDURE.

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Intelligence Oversight Training Briefing
(Cont)

- CRITERIA FOR PHYSICAL SURVEILLANCE OF U.S. PERSONS.

-- INSIDE THE UNITED STATES:

+ DOD INTELLIGENCE COMPONENTS MAY CONDUCT
UNCONSENTED PHYSICAL SURVEILLANCE FOR FOREIGN
INTELLIGENCE AND COUNTERINTELLIGENCE PURPOSES
AGAINST U.S. PERSONS WHO ARE PRESENT OR
FORMER EMPLOYEES OF THE INTELLIGENCE
COMPONENT CONCERNED; PRESENT OR FORMER
CONTRACTORS OF SUCH COMPONENTS OR THEIR
PRESENT OR FORMER EMPLOYEES; APPLICANTS
FOR SUCH EMPLOYMENT OR CONTRACTING; OR
MILITARY PERSONS EMPLOYED BY A NON-
INTELLIGENCE ELEMENT OF A MILITARY SERVICE.
ANY PHYSICAL SURVEILLANCE WHICH OCCURS OUTSIDE
A DOD INSTALLATION SHALL BE COORDINATED WITH
THE FBI AND OTHER LAW ENFORCEMENT AGENCIES AS
MAY BE APPROPRIATE.

-- OUTSIDE THE UNITED STATES:

+ DOD INTELLIGENCE COMPONENTS MAY CONDUCT
UNCONSENTED PHYSICAL SURVEILLANCE FOR
FOREIGN INTELLIGENCE AND COUNTERINTEL-
LIGENCE PURPOSES AGAINST U.S. PERSONS IN
ONE OF THE CATEGORIES IDENTIFIED ABOVE.
ADDITIONALLY, SUCH COMPONENTS MAY CONDUCT
PHYSICAL SURVEILLANCE OF OTHER U.S.
PERSONS IN THE COURSE OF A LAWFUL FOREIGN
INTELLIGENCE OR COUNTERINTELLIGENCE
INVESTIGATION, PROVIDED:

- (A) SUCH SURVEILLANCE IS CONSISTENT WITH
THE LAWS AND POLICY OF THE HOST
GOVERNMENT AND DOES NOT VIOLATE ANY
SOFA AGREEMENTS IN EFFECT; AND
- (B) THAT PHYSICAL SURVEILLANCE OF A U.S.
PERSON ABROAD TO COLLECT FOREIGN

INTELLIGENCE ANY BE AUTHORIZED ONLY
TO OBTAIN SIGNIFICANT INFORMATION
THAT CANNOT BE OBTAINED BY OTHER
MEANS.

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Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
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PROCEDURE TEN

UNDISCLOSED PARTICIPATION IN ORGANIZATIONS

- * GOVERNS MEMBERSHIP IN U.S. GROUPS BY DOD
INTEL PERSONS ON BEHALF OF THE DOD ACTIVITY
- * PARTICIPATION IS AUTHORIZED IF THE DOD INTEL
AFFILIATION IS REPORTED TO AN APPROPRIATE
ORGANIZATION OFFICIAL
- * UNDISCLOSED PARTICIPATION MUST BE SPECIALLY
APPROVED AND MEET OTHER RESTRICTIONS

PROCEDURE TEN.

UNDISCLOSED PARTICIPATION IN ORGANIZATIONS

- THIS PROCEDURE APPLIES TO PARTICIPATION BY EMPLOYEES OF
DOD INTELLIGENCE COMPONENTS WITHIN THE U.S., OR ANY
ORGANIZATION OUTSIDE THE U.S. THAT CONSTITUTES A U.S.

PERSON, WHEN SUCH PARTICIPATION IS ON BEHALF OF ANY
 ENTITY OF THE INTELLIGENCE COMMUNITY. THESE
 PROCEDURES DO NOT APPLY TO PARTICIPATION IN
 ORGANIZATIONS FOR SOLELY PERSONAL PURPOSES.

- DOD INTEL COMPONENTS EMPLOYEES MAY PARTICIPATE IN
 ORGANIZATIONS ON BEHALF OF SUCH COMPONENTS INSIDE THE
 U.S., OR IN ORGANIZATIONS OUTSIDE THE U.S. THAT
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Intelligence Oversight Training Briefing
 (Cont)

CONSTITUTE A U.S. PERSON, ONLY IF THEIR AFFILIATION TO AN
 INTELLIGENCE COMPONENT IS DISCLOSED TO AN APPROPRIATE
 OFFICIAL OF THE ORGANIZATION. UNDISCLOSED PARTICIPA-
 TION **MUST** BE SPECIFICALLY APPROVED, IS LIMITED TO NO
 LONGER THAN 12 MONTHS, AND MAY NOT BE INTENDED TO
 INFLUENCE THE ACTIONS OF SAID ORGANIZATION UNLESS
 SPECIALLY AUTHORIZED.

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Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
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PROCEDURE 11

CONTRACTING FOR GOODS AND SERVICES

**GOVERNS CONTRACTING OR ARRANGEMENTS FOR
GOODS OR SERVICES BY DOD INTEL COMPONENTS
WITHIN THE UNITED STATES**

DOD MAY CONTRACT WITH:

*** ACADEMIC INSTITUTIONS IF THE INTEL
SPONSORSHIP IS KNOWN**

*** COMMERCIAL AND PRIVATE ORGANIZATIONS
WITHOUT INTEL RELATIONSHIP IDENTIFIED IF:**

**(A) FOR PUBLISHED MATERIAL OR ROUTINE
GOODS AND SERVICES; OR**

**(B) IF APPROVAL IS GRANTED TO PROTECT
THE INTEL RELATIONSHIP**

PROCEDURE 11.

CONTRACTING FOR GOODS AND SERVICES

- THIS PROCEDURE APPLIES TO CONTRACTING OR OTHER
ARRANGEMENTS WITH U.S. PERSONS FOR THE PROCUREMENT OF
GOODS AND SERVICES BY DOD INTEL COMPONENTS WITHIN THE

UNITED STATES.

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Intelligence Oversight Training Briefing
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- DOD INTELLIGENCE COMPONENTS MAY CONTRACT WITH:
 - ACADEMIC INSTITUTIONS IF THE INSTITUTION IS MADE KNOWLEDGEABLE OF THE COMPONENT'S INTELLIGENCE SPONSORSHIP.
 - COMMERCIAL ORGANIZATIONS AND PRIVATE INSTITUTIONS AND INDIVIDUALS MAY BE DONE WITHOUT THE COMPONENT'S INTELLIGENCE SPONSORSHIP BEING MADE KNOWN TO THE CONTRACTOR IF:
 - + CONTRACT IS FOR PUBLISHED MATERIAL AVAILABLE TO THE GENERAL PUBLIC OR FOR ROUTINE GOODS AND SERVICES NECESSARY FOR SUPPORT OF APPROVED ACTIVITIES; OR
 - + FORMAL APPROVAL IS OBTAINED WHICH STATES THAT THE INTELLIGENCE RELATIONSHIP OF THE COMPONENT MUST BE CONCEALED TO PROTECT THE ACTIVITIES OF THE DOD INTEL COMPONENT CONCERNED.

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Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
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PROCEDURE 12

**PROVISION OF ASSISTANCE TO LAW
ENFORCEMENT AUTHORITIES**

**GOVERNS PROVIDING ASSISTANCE TO
LAW ENFORCEMENT AUTHORITIES**

LIMITED ASSISTANCE IS AUTHORIZED IF:

- PREVENTING CLANDESTINE INTEL,
NARCOTICS, OR TERRORIST ACTS
- PROTECTING DOD EMPLOYEES, INFORMATION,
PROPERTY, AND FACILITIES
- PREVENTING, DETECTING, OR INVESTIGATING
OTHER VIOLATIONS OF LAW

PROCEDURE 12.

PROVISION OF ASSISTANCE TO LAW ENFORCEMENT AUTHORITIES

- THIS PROCEDURE APPLIES TO THE PROVISION OF ASSISTANCE BY
DOD INTELLIGENCE COMPONENTS TO LAW ENFORCEMENT AUTHORITIES
IAW EO 12333 AND DOD DIRECTIVE 5525.5.

- DOD INTELLIGENCE COMPONENTS ARE PERMITTED TO ASSIST LAW ENFORCEMENT AUTHORITIES FOR THE PURPOSE OF:

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Intelligence Oversight Training Briefing
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- INVESTIGATING OR PREVENTING CLANDESTINE INTELLIGENCE ACTIVITIES BY FOREIGN POWERS, INTERNATIONAL NARCOTICS ACTIVITIES, OR INTERNATIONAL TERRORIST ACTIVITIES.
- PROTECTING DOD EMPLOYEES, INFORMATION, PROPERTY, AND FACILITIES.
- PREVENTING, DETECTING, OR INVESTIGATING OTHER VIOLATIONS OF LAW.

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Intelligence Oversight Training Briefing
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**INTELLIGENCE
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PROCEDURE 13

**EXPERIMENTATION ON HUMAN
SUBJECTS FOR INTEL PURPOSES**

**GOVERNS HUMAN EXPERIMENTATION IF DONE
ON BEHALF OF DOD INTEL COMPONENTS**

MAY BE UNDERTAKEN IF:

- WITH THE CONSENT OF THE U.S. PERSON
- IAW HEALTH AND HUMAN SERVICES GUIDELINES
- WITH SECDEF OR MILITARY DEPARTMENT
APPROVAL

PROCEDURE 13.

EXPERIMENTATION ON HUMAN SUBJECTS FOR INTELLIGENCE PURPOSES

- THIS PROCEDURE APPLIES TO EXPERIMENTATION ON HUMAN SUBJECTS
IF SUCH EXPERIMENTATION IS CONDUCTED ON BEHALF OF A DOD
INTELLIGENCE COMPONENT.
- EXPERIMENTATION MAY BE UNDERTAKEN ONLY:
 - WITH THE CONSENT OF THE SUBJECT, IAW HEALTH AND

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HUMAN SERVICES GUIDELINES.

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Intelligence Oversight Training Briefing
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-- APPROVAL OF SECRETARY OR DEPUTY SECRETARY OF
DEFENSE OR OF THE MILITARY DEPARTMENT AS
APPROPRIATE.

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**INTELLIGENCE
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PROCEDURE 14

**ESTABLISHES DOD EMPLOYEE RESPONSIBILITIES
TO COMPLY WITH IO POLICY AND REPORT
VIOLATIONS THEREOF**

*** EMPLOYEES SHALL CONDUCT INTEL ACTIVITY
IAW IO GUIDELINES**

*** DOD INTEL COMPONENTS SHALL:**

- TRAIN EMPLOYEES**
- ASSIST THE IG WITH IO MANAGEMENT**
- ENSURE ONLY LAWFUL ACTIVITY**
- TAKE NO ADVERSE ACTIONS AGAINST
EMPLOYEES WHO REPORT IO VIOLATIONS**
- PROVIDE IG UNRESTRICTED ACCESS TO
ALL INFORMATION**

PROCEDURE 14.

EMPLOYEE CONDUCT

- THIS PROCEDURE SETS FORTH THE RESPONSIBILITY OF EMPLOYEES
OF DOD INTELLIGENCE COMPONENTS TO CONDUCT THEMSELVES IN**

ACCORDANCE WITH THIS REGULATION AND OTHER APPLICABLE
POLICY. IT ALSO PROVIDES THAT DOD INTELLIGENCE
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Intelligence Oversight Training Briefing
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COMPONENTS SHALL ENSURE, AS APPROPRIATE, THAT THESE
POLICIES AND GUIDELINES ARE MADE KNOWN TO THEIR
EMPLOYEES.

- DOD INTEL EMPLOYEES:
 - SHALL CONDUCT INTELLIGENCE ACTIVITIES IAW WITH THIS
AND OTHER APPLICABLE REGULATIONS.
- DOD INTEL COMPONENTS:
 - SHALL FAMILIARIZE ITS EMPLOYEES WITH THIS AND
OTHER APPLICABLE REGULATIONS.
 - SHALL ASSIST THE INSPECTOR GENERAL RESPONSIBLE FOR
INTELLIGENCE OVERSIGHT ACTIVITIES.
- HEADS OF DOD INTELLIGENCE COMPONENTS SHALL:
 - ENSURE INTEL ACTIVITIES ARE LAWFUL OR REPORTED TO
THE APPROPRIATE GENERAL COUNSEL RESPONSIBLE FOR
THE COMPONENT.
 - TAKE NO ADVERSE ACTION AGAINST EMPLOYEES REPORTING
IO VIOLATIONS OR SUSPECTED VIOLATIONS.
 - IMPOSE SANCTIONS ON EMPLOYEES WHO VIOLATE IO
POLICY.
 - REFER FOR INVESTIGATION SERIOUS VIOLATIONS OF IO
POLICY.
 - PROVIDE IO INSPECTORS TOTAL ACCESS TO INFORMATION
TO DETERMINE COMPLIANCE WITH IO POLICIES.
 - ENSURE THAT EMPLOYEES COOPERATE FULLY WITH IO
BOARDS AND REPRESENTATIVES.

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Intelligence Oversight Training Briefing
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**INTELLIGENCE
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PROCEDURE 15

**ESTABLISHES POLICY FOR IDENTIFYING, INVESTIGATING,
REPORTING QUESTIONABLE INTEL ACTIVITY**

- * ALL EMPLOYEES, COMPONENTS, AND IGS ARE RESPONSIBLE
FOR REPORTING QUESTIONABLE ACTIVITY**
- * EACH REPORT OF QUESTIONABLE ACTIVITY MUST BE
INVESTIGATED**
- * INCIDENT REPORTS WILL BE FORWARDED THROUGH
IG CHANNELS TO DOD AND GENERAL COUNSEL**
- * ALL DOD COMPONENTS CONDUCTING INTEL ACTIVITY WILL
REPORT IO ACTIVITY QUARTERLY**

PROCEDURE 15.

IDENTIFYING, INVESTIGATING, AND REPORTING QUESTIONABLE ACTIVITY

- THIS PROCEDURE APPLIES TO THE IDENTIFYING, INVESTIGATING,
AND REPORTING OF QUESTIONABLE INTELLIGENCE ACTIVITIES.**
- IDENTIFICATION.**

- ALL EMPLOYEES SHALL REPORT QUESTIONABLE INTELLIGENCE ACTIVITY.

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Intelligence Oversight Training Briefing
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- ALL IG'S SHALL:
 - + SEEK TO DETERMINE IF SUCH COMPONENTS ARE INVOLVED IN QUESTIONABLE INTELLIGENCE ACTIVITY.
 - + DETERMINE IF OTHER AGENCIES WITHIN THEIR JURISDICTION, NOT IDENTIFIED AS INTELLIGENCE COMPONENTS, ARE BEING USED FOR FOREIGN INTELLIGENCE OR COUNTERINTELLIGENCE PURPOSES AND IF SO ARE IN COMPLIANCE WITH IO POLICY.
 - + ENSURE THAT REPORTING PROCEDURES EXIST AND THAT ALL EMPLOYEES OF SUCH INTELLIGENCE COMPONENTS ARE KNOWLEDGEABLE OF THE PROCEDURES AND THEIR RESPONSIBILITY TO REPORT QUESTIONABLE ACTIVITY.
- INVESTIGATIONS.
 - EACH REPORT OF QUESTIONABLE ACTIVITY SHALL BE INVESTIGATED TO THE EXTENT NECESSARY TO DETERMINE THE FACTS AND ASSESS WHETHER THE ACTIVITY IS LEGAL AND IS CONSISTENT WITH APPLICABLE POLICY.
 - WHEN APPROPRIATE, REPORTS FORWARDED TO EUCOM LEGAL ADVISER SHALL BE REFERRED TO THE APPROPRIATE IG.
 - INVESTIGATIONS SHALL BE CONDUCTED EXPEDITIOUSLY.
 - INSPECTORS SHALL HAVE ACCESS TO ALL RELEVANT INFORMATION REGARDLESS OF CLASSIFICATION OR COMPARTMENT TO CONDUCT AN INSPECTION.
- REPORTS.
 - IG'S AND EUCOM LEGAL ADVISER SHALL REPORT SERIOUS VIOLATIONS IMMEDIATELY TO THE DOD GENERAL COUNSEL

AND ATSD(IO).

- EACH IG WILL SUBMIT A QUARTERLY REPORT TO ATSD(IO) CONCERNING ANY SIGNIFICANT ACTIVITY WHICH COMES TO THEIR ATTENTION, AS WELL AS SIGNIFICANT IO ACTIVITY TAKEN AND ANY IO PROGRAM SUGGESTIONS.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

- VIOLATIONS OF FEDERAL CRIMINAL LAW WILL BE FORWARDED TO THE DOD COUNSEL GENERAL FOR REVIEW AND APPROPRIATE ACTION.
- GENERAL COUNSEL MAY REVIEW THE FINDINGS OF OTHER GENERAL COUNSELS AND IG'S REGARDING QUESTIONABLE ACTIVITIES.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

DIRECTIVE REVIEW

- * KNOW PROCEDURES 1-5, 14, AND 15
- * ALL PERSONNEL INVOLVED IN INTEL ACTIVITIES
ARE RESPONSIBLE FOR COMPLYING WITH THESE
PROCEDURES
- * KNOW THESE PROCEDURES THAT APPLY TO YOUR
ACTIVITY
- * YOU ARE RESPONSIBLE FOR YOUR ACTION!!!

DIRECTIVE REVIEW

- THIS CONCLUDES OUR REVIEW OF THE 15 INTELLIGENCE
OVERSIGHT PROCEDURES. KNOW THOSE PROCEDURES WHICH
APPLY DIRECTLY TO YOUR ACTIVITIES AND BE FAMILIAR WITH
THE OTHERS. REMEMBER - YOU ARE RESPONSIBLE FOR
YOUR AND YOUR ORGANIZATION'S INTELLIGENCE ACTIVITIES.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

YOU ARE INVOLVED

IF

**YOU COLLECT, PROCESS, RETAIN, OR
DISSEMINATE INTEL INFORMATION FOR:**

- FOREIGN INTELLIGENCE
- COUNTERINTELLIGENCE
- COUNTERTERRORISM
- NARCOTICS ACTIVITY

ARE YOU INVOLVED IN INTELLIGENCE ACTIVITIES?

- EUCOM, AS A UNIFIED COMMAND, IS AN IDENTIFIED DOD ACTIVITY WHICH MAY, AS AUTHORIZED, CONDUCT INTELLIGENCE ACTIVITIES. IF YOU ARE A EUCOM ELEMENT AND YOU COLLECT, PROCESS, RETAIN, OR DISSEMINATE INTELLIGENCE INFORMATION FOR FOREIGN INTELLIGENCE, COUNTERINTELLIGENCE, TERRORISM, OR NARCOTICS ACTIVITY, YOU ARE INVOLVED IN INTELLIGENCE ACTIVITY AND RESPONSIBLE TO THE POLICIES OF INTELLIGENCE OVERSIGHT.
- IF YOU ARE CHARTERED TO CONDUCT LAW ENFORCEMENT

ACTIVITIES YOU MUST ABIDE BY APPROPRIATE LAW
ENFORCEMENT PROCEDURES.
ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

REPORTING

**EVERYONE IN EUCOM IS RESPONSIBLE TO
SAFEGUARD AGAINST IO VIOLATIONS
AND
TO REPORT THEM WHEN YOU BELIEVE A
VIOLATION HAS OCCURRED**

REPORTING CHAIN:

- SUPERVISOR
- IO OFFICER/IO TRAINING OFFICER
- EUCOM IG
- EUCOM LEGAL ADVISOR
- DOD IO/IG/ATTORNEY GENERAL

WHEN, HOW, AND TO WHOM YOU SHOULD REPORT IO VIOLATIONS.

- EVERYONE IS RESPONSIBLE TO SAFEGUARD AGAINST IO
VIOLATIONS. IF YOU SHOULD SEE OR SUSPECT AN IO
VIOLATION WITHIN YOUR ACTIVITY, YOU MUST:

NOTIFY YOUR SUPERVISOR, ACTIVITY IO OFFICER OR IO
TRAINING OFFICER, THE EUCOM IO OFFICER, EUCOM
INSPECTOR GENERAL, OR THE DOD INSPECTOR GENERAL,
WITHIN 24 HOURS ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

OF DISCOVERY. YOUR NOTIFICATION CAN BE VERBAL;
HOWEVER, A MEMORANDUM FOR RECORD IS ENCOURAGED,
SHOULD A QUESTION ARISE LATER CONCERNING YOUR TIMELY
REPORTING OF THE INCIDENT.

- IO OFFICIALS ARE RESPONSIBLE TO INVESTIGATE AND REPORT
SUSPECTED OR ACTUAL IO VIOLATIONS IAW SM 40-2.

ANNEX V to APPENDIX B

Intelligence Oversight Training Briefing
(Cont)

**INTELLIGENCE
OVERSIGHT
TRAINING BRIEFING**

CONCLUSION

EUCOM INTELLIGENCE OVERSIGHT PROGRAM

- * CONTACT YOUR UNIT IO OFFICER OR
IO TRAINING OFFICER IF YOU HAVE
QUESTIONS OR NEED ASSISTANCE**
- * OTHER SOURCES OF ASSISTANCE ARE:**
 - EUCOM INSPECTOR GENERAL**
 - EUCOM LEGAL ADVISOR**
 - CHAIN OF COMMAND**

CONCLUSION

- THIS CONCLUDES YOUR INDIVIDUAL TRAINING BRIEFING OF THE
EUCOM IO PROGRAM. SHOULD YOU HAVE ANY QUESTIONS OR
NEED ASSISTANCE IN IO MATTERS, CONTACT YOUR ACTIVITY IO
OFFICER OR TRAINING OFFICER, OR THE EUCOM IO
OFFICER.**

APPENDIX C

IO Activities Reporting Procedures

C-1. Quarterly IO Activities Report.

a. ECIG. The USEUCOM IG will prepare and submit the quarterly IO Activity Report to the Joint Staff IG of IO activities occurring, due NLT 15 working days after the close of each quarter ending on the last work day of DEC, MAR, JUN, and SEP. Negative reports are required.

b. ECJ2.

(1) The USEUCOM IO Officer will prepare and submit a Quarterly IO Activity Reports to ECIG, combined from inputs from USEUCOM staff elements, directorates, and subordinate joint organizations IO representatives.

(2) Reports will be submitted to ECIG NLT five work days after the end of each quarter ending the last work day of DEC, MAR, JUN, and SEP. Negative reports are required.

c. ECLA.

(1) The EUCOM Legal Adviser will submit a Quarterly IO Activity report, to include actions taken with respect to questionable activities, to ECIG and provide other legal support as required.

(2) Reports will be submitted to ECIG NLT five work days after the end of each quarter ending the last work day of DEC, MAR, JUN, and SEP. Negative reports are required.

d. USEUCOM Staff Elements, Directorates, and Subordinate Joint Organizations.

(1) Each USEUCOM staff element, directorate, or subordinate joint organization IO Officer will prepare and submit a Quarterly IO Activities Report to the USEUCOM IO Officer, ATTN: ECJ2-P-CI, APO AE 09128.

(2) Reports are due NLT the first work day after the quarter ending on the last work day of DEC, MAR, JUN, and SEP. Negative reports are required.

(3) The report will provide the name(s) of the IO and IO

Training Officers, IO training conducted specifying the number of
APPENDIX C

IO Activities Reporting Procedures
(Cont)

personnel receiving initial and refresher training, section(s) and results of the 25 percent IO Self-Inspection, and the number of IO incidents reported during the last quarter. See Annex I to this Appendix for a sample report format.

C-2. IO Incident Report.

a. IO Officers.

(1) All IO Officers are responsible to investigate and report IO incidents or suspected incidents to the USEUCOM IO Officer as they are discovered.

(2) The local IO Officer will investigate the matter internally, collecting the material in question, identifying personnel involved, and determining the reason for obtaining, processing, or retaining the material.

(3) A complete report of findings will be forwarded to the USEUCOM IO Officer within five workdays of the incident's discovery. A memorandum format is acceptable to report IO findings to the USEUCOM IO Officer or other appropriate IO official.

b. USEUCOM Staff Elements, Directorates, and Subordinate Joint Organization Personnel.

(1) All personnel are responsible to report IO violations or suspected violations to their supervisor, staff element, directorate, or subordinate joint organization IO Officer, the USEUCOM IO Officer, or the USEUCOM Inspector General within 24 hours of their discovery.

(2) Failure to report IO violations or suspected violations is in itself a violation of IO policies.

(3) Reports may be made verbally; however, a memorandum for record outlining the details of your concern is recommended.

ANNEX I to APPENDIX C

Quarterly IO Activities Report

C-I-1. Prepare the report as a memorandum or message.

C-I-2. Provide the following information:

- a. Activity IO Officer and IO Training Officer.
(Name, Rank, Telephone number)
- b. Personnel Receiving IO Training.
 - (1) Number of Initial Briefings:
 - (2) Number of Refresher Briefings:
- c. Self-Inspection Results:
 - (1) Name of (sub)-Activity(ies) inspected.
 - (2) Number of personnel interviewed.
 - (3) Any violations noted?
- d. Significant IO Activity during last quarter. (Basic details of any IO incidents reported/investigated and actions taken.)
- e. IO Policy/Procedure Recommendations.

APPENDIX D

ECIG IO Inspection Guide

D-1. Purpose. This Inspection Guide is to be used as a reference for inspections before and during evaluations of the Intelligence Oversight (IO) Program. It also serves as a self-inspection guide for USEUCOM activities required by this directive to conduct IO inspections.

D-2. References.

- a. EO 12333, "United States Intelligence Activities".
- b. DoD Directive 5240.1, "Activities of DoD Intelligence Components that Affect United States Persons".
- c. DoD Regulation 5240-1R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons".
- d. JCS SM 254-82, "Expansion of Inspectors General Activities".
- e. Joint Staff Memo, MCM-75-91, "Oversight of Intelligence Activities".
- f. EUCOM Directive 125-4, "The USEUCOM Inspector General".

D-3. General.

- a. References a through c establish the general principles for effective and lawful conduct of IO activities and the procedures governing the activities of DoD intelligence components that affect U.S. persons.
- b. References a through b establish the mission, policy, and procedures of the USEUCOM Inspector General. They also establish inspection guidelines and provide inspection criteria and reporting procedures.
- c. This inspection guide will be used by USEUCOM ECIG for IO inspections.

D-4. Procedures. IO inspections will focus on the training program and procedures for reporting questionable activities. Checklists for evaluation are provided as Annex I, Interviews with

IO Officers and IO Training Officers and Annex II, Interviews with Unit Personnel. Specific format for inspections is as follows:

APPENDIX D

ECIG IO Inspection Guide
(Cont)

- a. Phase I. In Brief.
 - (1) Briefing by IG stating:
 - (a) Requirements for and purpose of inspection.
 - (b) Format of inspection.
 - (2) Brief by inspected unit describing:
 - (a) Mission and functions.
 - (b) Geographic area of responsibilities.
 - (c) Organizational structure, personnel, and intelligence facilities.
 - (d) Parent organization and command relationships.
 - (e) Source of tasking.
 - (f) Consumers.
 - (g) Types of files maintained.
- b. Phase II. The Inspection.
 - (1) One inspector will interview the IO Officer and IO Training Officer concerning questions in Annex I to this Appendix.
 - (2) Other inspector(s) will interview a random sampling of members of the unit to determine their knowledge of the IO Program using questions found in Annex II to this Appendix. To assist the IG in arranging interviews, a listing of all unit personnel, sorted by division, listing all officers, enlisted personnel, DoD civilians and others, will be provided to the IG two weeks prior to the inspection.

c. Phase III. Out Brief. The IG provides an out brief of "first impressions" to the inspected unit. A written report of findings will be provided to the inspected unit within four to six weeks.

APPENDIX D

ECIG IO Inspection Guide (Cont)

D-5. Revisions. HQ USEUCOM IO representatives are responsible for a quarterly review of 25 percent of their activity, 100 percent annually. All staff elements, directorates, and subordinate joint organizations, and subordinate joint organizations are encouraged to provide improvements to the IO Inspection Guide and Policies. Recommended changes should be submitted to the USEUCOM IO Officer and/or ECIG.

ANNEXES

- I - Interviews with IO Officers and IO Training Officers
- II - Interviews with Unit Personnel

ANNEX I to APPENDIX D

Interviews with IO Officers and IO Training Officers

D-I-1. Organization.

- a. Does the organization conduct intelligence activities, have an intelligence mission, or have intelligence personnel assigned?
- b. Is an IO Officer and IO Training Officer appointed in writing?
- c. Is training available for the IO Officer(s)?
- d. What are the intelligence components of the unit?
 - (1) Have they been inspected IAW DoD 5240.1-R?
 - (2) Have inspection reports been forwarded to parent activities?
 - (3) Have they submitted quarterly IO Activity reports?
- e. Does the organization engage in any "special activities"? (If so, under what authority/authorization?)

D-I-2. Publications.

- a. Does the organization have all required publications; are they current; and properly maintained?
- b. Where are the publications maintained? Do organization personnel have access to them?
- c. Are there local SOPs used? (If so, review them for conflict with USEUCOM directive.)

D-I-3. Reports.

- a. Have all intelligence activities which raise issues of legality been given legal review?
- b. Has any adverse action been taken against any employee because he/she reported questionable IO activities?
- c. Have there been any significant instances of fraud,

waste, or abuse which impact on intelligence operations?

ANNEX I to APPENDIX D

Interviews with IO Officers and IO Training Officers
(Cont)

d. What significant IO activities (instructions, training, initiatives, published documents) have been undertaken?

e. Do organization files contain information about U.S. civilians?

f. Has appropriate disciplinary action been taken against any employer who has conducted an unlawful or unauthorized questionable activity?

D-I-4. Training.

a. Who is the IO training Officer?

b. Is the IO training Officer appointed in writing?
(See the orders)

c. What IO training documents has the command published?

d. What is the command's IO training program?

e. Is refresher training conducted on an annual basis?

f. Is training documented and records maintained IAW
SM 40-2?

g. Are personnel familiar with procedures for reporting questionable activities?

h. Is there adequate training on reporting requirements of questionable activities?

ANNEX II to APPENDIX D

Interviews with Unit Personnel

D-II-1. When did you last have IO training? What did it consist of?

D-II-2. What is IO?

- The means of ensuring that U.S. intelligence and counterintelligence agencies carry out their duties in accordance with the U.S. Constitution, U.S. law, and full consideration of the rights of U.S. persons. (EO 12333)

D-II-3. Do you know what regulations govern the conduct of intelligence activities?

- EO 12333, DoD Dir 5240.1, DoD Reg 5240.1-R

D-II-4. Do you know who the individual is that can give you specific guidance and interpretation on IO matters?

- IO Officer and IO Training Officer

D-II-5. Explain the DoD Directive on IO.

a. What is the intent of DoD 5240.1-R? To provide procedures for the intelligence community to conduct its mission while protecting the constitutional and civil liberties of all U.S. citizens.

b. What are your responsibilities as a person involved in intelligence activities? To perform my intelligence mission IAW IO procedures and report any violations.

D-II-6. What is a U.S. Person?

- a U.S. citizen
- an alien known by the intelligence community to be a permanent resident alien (i.e., foreign nationals lawfully admitted into the U.S. for permanent residence).
- an unincorporated association substantially composed of U.S. citizens or permanent resident aliens.

ANNEX II to APPENDIX D

Interviews with Unit Personnel
(Cont)

- a corporation incorporated in the U.S., except for a corporation directed and controlled by a foreign government(s) (EO 12333)

D-II-7. What types of investigative activities/techniques are restricted concerning the gathering of information on U.S. persons?

- Some physical searches, electronic surveillance, mail openings, physical surveillance, and undisclosed participation in organizations. (DoD 5240.1-R, procedure 2)

D-II-8. How may information about U.S. persons be collected? (DoD 5240.1-R, Procedure 2)?

- a. Obtained with consent of the U.S. person.
- b. Publicly available information.
- c. Foreign intelligence information (some restrictions).
- d. Counterintelligence information (some restrictions).
- e. Data of potential source offering assistance to intel activities.
- f. Information withheld to protect intelligence sources (some restrictions).
- g. Threats to physical security of personnel or facilities.
- h. Personnel Security related data.
- i. Communications security related data.
- j. Illegal Narcotics activities.
- k. Threats to safety of personnel or facilities.

- l. Overhead Reconnaissance material.
- m. Personnel data collected for administrative purposes.

ANNEX II to APPENDIX D

Interviews with Unit Personnel
(Cont)

D-II-9. How long can information regarding U.S. persons be stored before determining whether permanent storage is authorized?

- 90 days (DoD 5240.1-R, Procedure 3)

D-II-10. Do you know what "questionable activity" is?

- Any conduct that constitutes, or is related to, an intelligence activity that may violate the law, any EO or Presidential directive or applicable DoD policy. (DoD 5240.1-R, Procedure 15).

D-II-11. What is your obligation to report questionable activities?

- Every person/intelligence representative who knows or suspects questionable activity must report to EUCOM Legal Adviser or the IG (DoD 5240.1-R, Procedure 15).

D-II-12. Do you know to whom you should report questionable activities?

- EUCOM Legal Adviser, IG, and/or Activity IO Officer DoD 5240.1-R, Procedure 15)

D-II-13. Do you know what kind of activities are prohibited in the course of discharging official duties as intelligence representatives?

- It is prohibited to improperly collect (Procedure 2), retain (Procedure 3), or disseminate (Procedure 4) intelligence information on U.S. persons, or to conduct improper electronic surveillance (Procedure 5) or unauthorized concealed monitoring (Procedure 6). Additional examples of prohibited acts include:

- a. Unconsented searches of person or property within the U.S. or of U.S. persons outside the U.S. except for counter-

intelligence purposes. (DoD 5240.1-R, Procedure 7)

b. Searches and examination of 1st class mail in the U.S. postal channels. (DoD 5240.1-R, Procedure 8)

ANNEX II to APPENDIX D

Interviews with Unit Personnel
(Cont)

c. Membership or participation in organizations in U.S. or corporations abroad without disclosing affiliation with intel community. (DoD 5240.1-R, Procedure 10)

d. Research on human subjects without consent of individuals. (DoD 5240.1-R, Procedure 13)

APPENDIX E

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APPENDIX F

Sample IO Wallet Information Cards

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Sample IO Wallet Information Cards
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